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REMARKS

Claims 1-8, 10-23, 25-40 and 42-48 remain present in this application. Claims 1-5, 8, 10-14, 16-20, 23 and 25-31 were finally rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,144,938 (hereinafter Surace) in view of U.S. Patent No. 6,336,091 (hereinafter Polikaitis) and in further view of U.S. Patent No. 5,765,130 (hereinafter Nguyen); claims 15, 32-37, 40 and 42-48 were rejected under 35 U.S.C. §103(a) as being unpatentable over Surace in view of Polikaitis and Nguyen and in further view of U.S. Patent No. 6,240,347 (hereinafter Everhart); and claims 6-7, 21-22 and 38-39 were objected to as being dependent upon a rejected base claim, but were indicated to be allowable if rewritten in independent form to include all limitations of any base claim and any intervening claim. For the reasons further set forth below, Applicants respectfully submit that claims 1-8, 10-23, 25-40 and 42-48 are all allowable.

In response to Applicants' prior reply, the present Office Action states at page 8, in part, "[i]n response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references." However, this statement mischaracterizes Applicants' remarks. Further, nowhere does the Office Action point out any specific passage in any of the references, where the refuted teachings (discussed further below) are present. When an Office Action asserts that a reference teaches something that it does not, Applicants are not attacking a reference individually to show nonobviousness of the combination of references by pointing out that the reference does not include the alleged teaching. If an individual reference does not, in fact, teach or suggest what is asserted, then the combination cannot teach or suggest what is asserted.

At the outset, Applicants once again note that Surace is directed to a voice user interface with personality (or attitude). Surace defines the term "personality," at column 3, lines 23-36, as a voice interface that can be one of friendly-dominant, friendly-submissive, unfriendly-dominant and unfriendly-submissive. Thus, depending upon a specific user's preference, the Surace system can provide an appropriate personality to interface with the user.

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Applicants once again note that while Surace provides prompts that are subscriber specific (i.e., friendly-dominant, friendly-submissive, unfriendly-dominant and unfriendly-submissive), the identity of a specific user is determined by a login and password (see Fig. 18 and column 22, line 50 through column 23, line 12) and not by associating a voice input with a specific user. In reply to this remark, the present Office Action states at pages 7-8, in pertinent part, that because the Surace system provides a voice interface that receives voice input from a user, the login and password must be provided by voice. Assuming arguendo that this is correct, Surace still does not teach or suggest a system and/or method that provides adaptive voice feedback when a specific user has not provided voice input for a predetermined user specific time period. That is, Surace still does not disclose using a user specific time period to determine when to provide adaptive voice feedback to a specific user associated with the user specific time period. In fact, the Office Action admits at pages 4 and 6 that "Surace and Polikaitis do not teach a user specific time period."

However, the Office Action states at page 4 that "Nguyen teaches implementing barge-in capabilities in a voice-response system such that frequent users of a system would not need to wait for a completed prompt for the system before being allowed to respond. Therefore, it would have been obvious to one of ordinary skill at the time of the invention to implement a user specific response time period as suggested by Nguyen, in the voice user interface system of Surace, for the purpose of allowing experienced users the capabilities of entering requests or information without waiting for a complete set of instructions." However, Applicants submit that this rationale completely misses the point. That is, the barge-in function allows a user to truncate a system provided instruction (i.e., voice feedback), which does not teach or suggest implementing user specific time periods to determine when to provide adaptive voice feedback to a specific user. Further, Applicants specifically note that Surace discloses barge-in (see column 7, lines 47-61), which is irrelevant to Applicants' claimed subject matter. To reiterate, none of the cited references of record, alone or in combination, teach or suggest using a user specific time period to determine when to provide adaptive voice feedback to a specific user associated with the user specific time period.

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        With specific reference to Polikaitis, while Polikaitis discloses a system that performs speech recognition and provides instructions for correcting errors associated with a speech signal format, Polikaitis does not add anything to Surace that is relevant to Applicants' claimed subject matter. That is, the fact that Polikaitis discloses that prior art speech recognition systems have not worked when a user does not say anything during a recognition window (column 1, lines 44-51) does not in combination with Surace teach or suggest Applicants' claimed subject matter, as is discussed above. In addition, with respect to Polikaitis, column 2, lines 46-48, deactivating or halting speech recognition processing so that a user may correct an error (see Fig. 4) in a speech recognition format is not the same as "deactivating a speech recognition driven system when a user has failed to respond for a user specific set number of predetermined user specific time periods at a given level."

        With specific reference again to Nguyen, the fact that Nguyen discloses a system/method for performing a barge-in function in a speech recognition system is irrelevant to Applicants' claimed subject matter. That is, Nguyen does not teach or suggest using a user specific time period to determine when to provide adaptive voice feedback to a specific user associated with the user specific time period. As noted above, Nguyen merely discloses a system/method that allows a user to truncate (barge-in) a system provided prompt and, as such, adds nothing to Surace and Polikaitis that is relevant to Applicants' claimed subject matter. Contrary to the assertions of the Office Action, barge-in merely allows a user to truncate voice feedback provided by a voice system.

        More specifically, with respect to claims 1, 16 and 33, Applicants still cannot find any teaching or suggestion in Surace and/or Polikaitis and/or Nguyen (and/or Everhart, with respect to claim 33) that is directed to using a user specific time period to determine when to provide adaptive voice feedback to a specific user associated with the user specific time period. In addition, Applicants still cannot find any teaching or suggestion in Surace and/or Polikaitis and/or Nguyen (and/or Everhart) that is directed to providing adaptive voice feedback that is level dependent and that provides available commands for a current level. The present Office Action cites Surace, Abstract and column 10, lines 21 to column 11, line 25, and, more

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specifically, column 10, lines 51-63, as teaching level dependent voice feedback. However, Applicants note that step 710 refers to Fig. 7, which is merely directed to a "help" routine that provides "help" (i.e., a voice output) upon a user's request (i.e., a voice input) or need. To date, the current and previous Office Actions only characterize the cited references as teaching Applicants' claimed subject matter. Applicants again respectfully request the Examiner direct them to a specific passage in one or more of the cited references where the alleged teachings are present.

With respect to the Office Action statement that Surace (Abstract and column 10, line 21 through column 11, line 25) teaches level dependent adaptive voice feedback that provides available commands for a current level, the fact that system prompts to a user are set by a user's preference and may be shortened as a user's experience with the system increases does not teach or suggest providing available level dependent commands to a user.

With respect to claims 2, 17 and 34, Applicants still cannot find any teaching or suggestion in Surace and/or Polikaitis and/or Nguyen (and/or Everhart, with respect to claim 34) that is directed to tracking a number of times in which a user has failed to respond for a predetermined user specific time period at a given level and deactivating a speech recognition driven system when a user has failed to respond for a user specific set number of the predetermined user specific time periods at the given level. With reference to the cited Surace passage at column 14, lines 52-57, the cited passage merely discloses tracking the use of a specific prompt in a prompt history. Again, this does not teach or suggest tracking the number of times in which a specific user has failed to respond for a predetermined user specific time period at a given level. With respect to the Surace passage at column 10, line 21 through column 11, line 25, the passage merely discloses lengthening or shortening a prompt provided to a user, based upon whether a particular prompt is being repeated in a same session or across sessions. In sum, Applicants agree that Surace and Polikaitis do not teach a user specific time period. However, Applicants submit that the combination of Polikaitis, Surace and Nguyen (and Everhart) also does not teach or suggest such a system, and, again, submit that any assertion to the contrary must be based on impermissible hindsight, based on Applicants'

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disclosure. Again, with respect to Polikaitis, column 2, lines 48-50, deactivating or halting speech recognition processing so that a user can correct an error in a speech signal format does not render obvious deactivating a speech recognition system when a user has failed to respond for a user specific set number of predetermined user specific time periods at a given level.

Further, with respect to claims 5, 20 and 37,. Applicants still cannot find any teaching or suggestion in Surace and/or Polikaitis and/or Nguyen (and/or Everhart, with respect to claim 37) that is directed to a speech recognition driven system that adjusts a predetermined user specific time period, or a user specific set number of predetermined user specific time periods as the ability of the specific user changes. In addition, Applicants submit that dependent claims 2-8, 10-15, 17-23, 25-32, 34-40 and 42-48 are also dependent upon allowable claims and, as such, are also allowable for this reason.

Applicants respectfully submit that this reply is fully responsive to the Office Action mailed January 15, 2004, and request full reconsideration of the matter.

CONCLUSION

For all the foregoing reasons, Applicants respectfully submit that claims 1-8, 10-23, 25-40 and 42-48 are allowable. If the Examiner has any questions or comments with respect to this response, the Examiner is invited to contact the undersigned at (616) 949-9610.
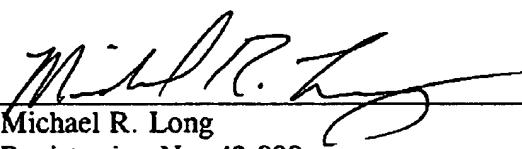
Respectfully submitted,

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03-12-04
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